United Nations A/60/508

General Assembly

Distr.: General
30 November 2005

Original: English

Sixtieth session
Agenda item 70

Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Mr. Pedro **Cardoso** (Brazil)

I. Introduction

1. At its 17th plenary meeting, on 20 September 2005, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixtieth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Committee held a general discussion on agenda item 70 jointly with item 69 at its 28th, 34th, 35th and 37th meetings, on 28 October and from 7 to 9 November 2005 and considered proposals and took action on item 70 at its 40th and 42nd meetings, on 15 and 17 November 2005. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/60/SR.34, 35, 37, 40 and 42).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General on the right of peoples to self-determination (A/60/268);

(b) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (A/60/263);

(c) Note by the Secretariat on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/60/319);

(d) Letter dated 5 July 2005 from the representative of Jamaica to the Secretary-General, transmitting the Doha Declaration and Doha Plan of Action

05-62398 (E) 061205

adopted by the Second South Summit of the Group of 77, held at Doha from 12 to 16 June 2005 (A/60/111);

(e) Letter dated 17 October 2005 from the representative of Yemen to the Secretary-General, transmitting the final communiqué of the annual coordination meeting of the Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, held at United Nations Headquarters on 23 September 2005 (A/60/440-S/2005/658 and Corr.2).

4. At the 28th meeting, on 28 October, the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the Palestinian territories occupied by Israel since 1967 made an introductory statement and engaged in a question-and-answer session with the representatives of Israel, Palestine, the United States of America, the Sudan, Jordan, Egypt, the Syrian Arab Republic, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), the Libyan Arab Jamahiriya, Venezuela (Bolivarian Republic of), Cuba and China (see A/C.3/60/SR.28).

5. At the 34th meeting, on 7 November, the Deputy Director of the New York Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/60/SR.34).

II. Consideration of proposals

A. Draft resolution A/C.3/60/L.59

6. At the 40th meeting, on 15 November, the representative of Pakistan, on behalf of Algeria, Azerbaijan, Bahrain, Bangladesh, Brunei Darussalam, Burkina Faso, Egypt, Eritrea, Iran (Islamic Republic of), Kuwait, the Libyan Arab Jamahiriya, Malaysia, the Niger, Oman, Pakistan, Qatar, Saudi Arabia, Somalia and the United Arab Emirates, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/60/L.59). Subsequently, Angola, Armenia, China, the Congo, Guinea, Jordan, Lebanon, Nigeria, Singapore and Thailand joined in sponsoring the draft resolution.

7. At the 45th meeting, on 21 November, the Committee was advised that the draft resolution had no programme budget implications.

8. At the same meeting, the representative of Pakistan orally revised the draft resolution, by which the 7th preambular paragraph, which read:

> "*Reaffirming also* its resolutions 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, uphold the right to self-determination of peoples under colonial domination and foreign occupation",

was replaced by:

> "*Reaffirming also* its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter

alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation".

9. Also at the 45th meeting, the Committee adopted draft resolution A/C.3/60/L.59, as orally revised, without a vote (see para. 17, draft resolution I).

10. Statements were made by the representatives of the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union), Liechtenstein, Argentina, Venezuela (Bolivarian Republic of) and Algeria (see A/C.3/60/SR.45).

B. Draft resolution A/C.3/60/L.62

11. At the 40th meeting, on 15 November, the representative of Egypt, on behalf of Albania, Algeria, Austria, Bahrain, Bangladesh, Belize, China, Cuba, Cyprus, the Democratic People's Republic of Korea, Djibouti, Egypt, Estonia, Indonesia, Iraq, Jordan, Kenya, Kuwait, the Lao People's Democratic Republic, Latvia, Lebanon, Lithuania, Luxembourg, Malaysia, Mali, Mauritania, Morocco, Namibia, Nigeria, Oman, Pakistan, Poland, Qatar, San Marino, Saudi Arabia, Senegal, Sierra Leone, South Africa, the Sudan, Switzerland, Tunisia, the United Arab Emirates, Venezuela (Bolivarian Republic of), Yemen, and Palestine, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/60/L.62).

12. At its 42nd meeting, on 17 November, the Committee was advised that the draft resolution had no programme budget implications.

13. At the same meeting, statements were made by the representatives of Israel, Egypt, the United Kingdom of Great Britain and Northern Ireland (on behalf of the States Members of the United Nations that are members of the European Union) and Spain (see A/C.3/60/SR.42).

14. At the same meeting, the Committee adopted draft resolution A/C.3/60/L.62 by a recorded vote of 162 to 4, with 3 abstentions (see para. 17, draft resolution II). The voting was as follows:[1]

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta,

[1] The delegations of Grenada and Nicaragua subsequently indicated that, had they been present, they would have voted in favour.

Mauritania, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Palau, United States of America.

Abstaining:

Australia, Equatorial Guinea, Tuvalu.

15. After the adoption of the draft resolution, statements were made by the representatives of Venezuela (Bolivarian Republic of), Canada and Argentina and the observer for Palestine (see A/C.3/60/SR.42).

C. Draft decision proposed by the Chairman

16. At its 42nd meeting, on 17 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the following documents (see para. 18):

(a) Note by the Secretary-General transmitting the report of Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination (A/60/263);

(b) Note by the Secretariat on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of the peoples to self-determination (A/60/319).

III. Recommendations of the Third Committee

17. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 59/180 of 20 December 2004,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination

---

[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* (E/2005/23), chap. II, sect. A.

[3] A/60/268.

is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and honour;

5. *Requests* the Commission on Human Rights to continue to give special attention to the violation of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on the question to the General Assembly at its sixty-first session under the item entitled "Right of peoples to self-determination".

Draft resolution II
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling in this regard its resolution 2625 (XXV) of 24 October 1970, entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,

Expressing the urgent need for the resumption of negotiations within the Middle East peace process on its agreed basis and for the speedy achievement of a final settlement between the Palestinian and Israeli sides,

Recalling its resolution 59/179 of 20 December 2004,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

---

[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.
[7] See A/ES-10/273 and Corr.1.
[8] Ibid., advisory opinion, para. 88.

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

18. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with the question of the rights of peoples to self-determination

The General Assembly takes note of the following documents:

(a) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Commission on Human Rights on the question of the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination;[1]

(b) Note by the Secretariat on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.[2]

---

[1] A/60/263.
[2] A/60/319.